



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/649,436 | 08/25/2000 | Thomas D. Holt | 004117.P006X | 6870 |

7590 12/22/2004

ERIC L. MASCHOFF
WORKMAN, NYDEGGER & SEELEY
1000 EAST SOUTH TEMPLE
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

PHAM, KHANH B

ART UNIT PAPER NUMBER

2167

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/649,436

Applicant(s)

HOLT ET AL.

Examiner

Khanh B. Pham

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 10-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 10-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed September 7, 2004 has been entered. Claims 1, 6, 10, 19, 22 and 34 have been amended. Claims 1, 2, 6, 10-46 are pending in this Office Action.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 44-46** are rejected under 35 U.S.C. 102(b) as being anticipated by Rubinstein et al (US 5,913,215), hereinafter "Rubinstein".

As per claim 44, Rubinstein teaches the method for searching, comprising:

- "receiving search criteria" at Fig. 1, element 120;
- "searching at least one body of knowledge based on the search criteria" at Fig. 1, element 130;
- "providing a plurality of search results that are responsive to the searching, wherein at least one of the search results is a document comprised of text content" at Fig. 2, element 220 and Col. 7 lines 47-49;
- "selecting one of the text-content document search results; and at substantially the time of selection, distilling the selected document" at Fig. 1, element 140 and Col. 8 lines 5-9;

Art Unit: 2167

- wherein the step of distilling comprises the following steps: extracting content from the selected document in accordance with a plurality of data type rules” at Col. 7 line 55 to Col. 8 line 15;
- “deriving a plurality of key points from the text content of the selected document, wherein key points are at least partially identified by locating text portions within the document that contain predefined verb types” at Col. 8 line 25 to Col. 9 line 25;
- “and generating a reduced content distilled document that contains at least a portion of the extracted content and at least one of the key points” at Col. 7 line 55 to Col. 8 line 15.

As per claim 45, Rubinstein teaches the method as defined in claim 44, further comprising the step of “displaying the reduced content distilled document on a display device” at Fig. 2, element 270 and Fig. 15.

As per claim 46, Rubinstein teaches the method as defined in claim 44, wherein “the step of deriving key points comprises:

- “segmenting the text content of the selected document into a plurality of separate textual components” at Col. 8 line 25 to Col. 9 line 25;
- “identifying whether verbs are present within the textual components; comparing identified verbs to a predefined hierarchy of verb sequences; and based upon the results of the comparison, identifying which of the identified verbs are used in identifying key points” at Col. 8 line 25 to Col. 9 line 25.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1, 2, 6 and 10-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumsden (US 6,006,217), hereinafter "Lumsden", and in view of Balasubramaniam et al. (US 6,359,633 B1), hereinafter "Balasubramaniam".

As per claim 1, Lumsden teaches a method for real-time distillation of a source document, comprising:

- "receiving search criteria from a client; searching at least one source based on the search criteria, determining search results responsive to said searching" at Col. 5 line 60 to Col. 6 line 15;

- “distilling a selected one of the search results in substantially real time relative to the time of selection, the selected search result having a first content and wherein the distillation comprises the step of extracting content from the first content in accordance with at least one data type criterion selected from a plurality of predefined data type criteria” at Col. 6 line 48 to Col. 7 line 22;

Lumsden does not explicitly teach the step of: “creating a distilled version of the selected search result including the extracted content, wherein the distilled version constitutes a data entity having a predefined format and that is distinct from the search result” as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., “distilled”) version of the selected document including the extract content” at Col. 1 lines 45-50, wherein the abstract version “constitutes a data entity having a predefined format and that is distinct from the search result” at Col. 4 lines 35-43. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam’s teachings to create an abstract of the document before return to the user because: “the abstract can be considered as a summarized version of the document. It occupies less bandwidth than the document, and can be transmitted to a user at much faster pace” as suggest by Balasubramaniam at Col. 1 lines 45-55. Further, modifying Lumsden’s teaching such that the distilled version having a predefined distinct format would allow people with different

Art Unit: 2167

types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 2, Lumsden and Balasubramaniam teach the method as in claim 1. Balasubramaniam further teaches the step of “creating an index in the distilled version wherein the index allows selective entry into the content of the corresponding search result” at Col. 3 lines 15-18.

As per claim 6, Lumsden teaches a method for displaying search results, comprising:

- “receiving search criteria from a client; searching at least one source based on the search criteria; determining search results responsive to said searching, the search results comprising source documents” at Col. 5 lines 60 to Col. 6 line 15;
- “selecting one of the source documents, the selected document having a first content” at Col. 6 lines 48-50;
- “at substantially the time of selection, distilling the selected source documents into result object wherein the result object includes a second content and the second content is derived from the first content in accordance with at least one predefined distillation criterion” at Col. 6 lines 48-67;
- “and creating an index from the result object into the selected source document, wherein selection of the index provides a display of a corresponding portion of the first content” at Col. 7 lines 1-22.

Lumsden does not explicitly teaches: "the result object having a predefined format and that is created as a distinct data entity from the selected source document" as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract (i.e., "result object") having a predefined format and created as a distinct data entity from the selected document" at Col. 4 lines 35-45. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings to create "the result object having a predefined format and that is created as a distinct data entity from the selected source document" because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 10, Lumsden teaches a method for displaying search results, comprising:

- "receiving search criteria from a client; searching at least one source based on the search criteria; determining a plurality of search results responsive to said searching" Col. 5 lines 60 to Col. 6 line 15;
- "distilling a selected one of the search results into a result object, the result object comprises content extracted from the selected search result" at Col. 6 lines 48-67;

Lumsden does not explicitly teach that “the result object is created as a separate data entity from the selected search result” nor “creating a mid-menu that corresponds to the result object, the mid-menu comprising a plurality of menu options, each menu option including at least one result category, and a content metric, the content metric being a measure of a relative value of the result category, and displaying the mid-menu” as claimed. . However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., “distilled”) version of the selected document including the extract content” at Col. 1 lines 45-50, wherein the abstract (i.e., “result object”) having a predefined format and created as a distinct data entity from the selected document” at Col. 4 lines 35-45. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam’s teachings to create “the result object as a separate data entity from the selected result” because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

Further, Balasubramaniam also teaches the step of “creating a mid-menu that corresponds to the result object, the mid-menu comprising a plurality of menu options, each menu option including at least one result category, and a content metric, the content metric being a measure of a relative value of the result category, and displaying the mid-menu” at Col. 3 lines 55 to Col. 4 line 35. Thus, it would have been obvious to one of ordinary skill in the art at the time of

Art Unit: 2167

the invention was made to combine Lumsden and Balasubramaniam's teachings. Adding the mid-menu with result category and content metric to Lumsden's system would allow user to customize and access to different type and category of data within the search result.

As per claim 11, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein the content metric comprises a quantitative measure of the relative value of the result category" at Col. 4 lines 5-35.

As per claim 12, Lumsden and Balasubramaniam teach the method as in claim 11. Balasubramaniam also teaches: "wherein the quantitative measure comprises a number of results for each the result category" at Col. 4 lines 5-35.

As per claim 13, Lumsden and Balasubramaniam teach the method as in claim 11. Balasubramaniam also teaches: "wherein the quantitative measure comprises a number of occurrences of pre-specified data" at Col. 4 lines 5-35.

As per claim 14, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein the content metric comprises a qualitative measure of the relative value of the result category" at Col. 4 lines 5-35.

As per claim 15, Lumsden and Balasubramaniam teach the method as in claim 14. Balasubramaniam also teaches: "wherein the qualitative measure comprises an indicator of the relevance of the results of the result category to the search criteria" at Col. 4 lines 5-35.

As per claim 16, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein at least one category comprises a data type" at Col. 4 lines 5-35.

As per claim 17, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein at least one category comprises a user-defined type" at Col. 5 lines 7-9.

As per claim 18, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "determining user preferences, and dynamically creating the mid-menu in accordance with the user preferences" at Col. 5 lines 7-26.

As per claim 19, Lumsden teaches a method for displaying search results, comprising:

- "receiving search criteria from a client; searching a plurality of sources based on the search criteria; determining search results responsive to said searching" at Col. 5 lines 60 to Col. 6 line 15;
- "distilling a selected one of the search results into a result object wherein the result object comprises content extracted from the selected search result" at Col. 6 lines 48-60;
- "determining user preferences" at Col. 6 lines 60-67;

Lumsden does not explicitly teach that "the result object is created as a separate data entity from the selected search result" nor "creating a mid-menu in accordance with the user preferences, the mid-menu corresponding to the result object and comprising a plurality of menu options, each menu option including a

Art Unit: 2167

result category, each result category having a number of results; and a content for each result category, the content metric being a measure of the value of the result category, and displaying the mid-menu” as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., “distilled”) version of the selected document including the extract content” at Col. 1 lines 45-50, wherein the abstract (i.e., “result object”) having a predefined format and created as a distinct data entity from the selected document” at Col. 4 lines 35-45. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam’s teachings to create “the result object as a separate data entity from the selected result” because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

Further, Balasubramaniam also teaches the step of “creating a mid-menu in accordance with the user preferences, the mid-menu corresponding to the result object and comprising a plurality of menu options, each menu option including a result category, each result category having a number of results; and a content for each result category, the content metric being a measure of the value of the result category, and displaying the mid-menu” at Col. 3 lines 55 to Col. 4 line 35. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam’s teachings. Adding the mid-menu with result category and

content metric to Lumsden's system would allow user to customize and access to different type and category of data within the search result.

As per claim 20, Lumsden and Balasubramaniam teach the method as in claim 19. Balasubramaniam also teaches: "wherein the content metric comprises a quantitative measure for each result category" at Col. 4 lines 5-35.

As per claim 21, Lumsden and Balasubramaniam teach the method as in claim 19, wherein "the content metric comprises a qualitative measure for each result category" at Fig. 5.

As per claim 22, Lumsden teaches a method for searching, comprising:

- "receiving search criteria; searching at least one body of knowledge based on the search criteria; providing a plurality of search results that are responsive to the searching" at Col. 5 lines 60 to Col. 6 line 15;
- "displaying on a display device a list of at least some of the search results, the list comprising: a separate and unique identifier corresponding to each one of the search results in the list" at Col. 6 lines 5-25 and Fig. 5; and
- "a separate distillation trigger associated with each unique identifier" at Col. 6 lines 15-25 and Fig. 5, element 76;
- "wherein selection by a user of a distillation trigger causes a substantial real-time creation of a distilled version of the search result corresponding to the unique identifier associated with the selected distillation trigger" at Col. 6 lines 48-67.

Lumsden does not explicitly teach: "wherein the distilled version is created as a data entity distinct from the corresponding search result and includes

content extracted from the search result” as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., “distilled”) version of the selected document including the extract content” at Col. 1 lines 45-50, wherein the abstract version “the distilled version is created as a data entity distinct from the corresponding search result and includes content extracted from the search result” at Col. 4 lines 35-43. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam’s teachings to create an abstract of the document before return to the user because: “the abstract can be considered as a summarized version of the document. It occupies less bandwidth than the document, and can be transmitted to a user at much faster pace” as suggest by Balasubramaniam at Col. 1 lines 45-55. Further, modifying Lumsden’s teaching such that the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 23, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: “wherein the unique identifier is a URL corresponding to the search result in the list” at Fig. 5.

As per claim 24, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: “wherein the unique identifier is a title corresponding to the search result in the list” at Fig. 5.

As per claim 25, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "wherein the unique identifier is an abstract corresponding to the search result in the list" at Fig. 5.

As per claim 26, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "wherein selection by a user of the unique identifier causes a full content version of the corresponding search result to be displayed on the display device" at Col. 7 lines 35-50 and Fig. 5.

As per claim 27, Lumsden and Balasubramaniam teach the method as defined in claim 22. Balasubramaniam also teaches: "wherein the distilled version includes content extracted from the corresponding search result in accordance with at least one predefined data type" at Col. 3 line 63 to Col. 4 line 16.

As per claim 28, Lumsden and Balasubramaniam teach the method as defined in claim 27. Balasubramaniam also teaches: "wherein the at least one predefined data type is selected from one of the following data types: a key point; a focus word; a matched-in-context key point; a title; and a URL" at Col. 4 lines 5-16.

As per claim 29, Lumsden and Balasubramaniam teach the method as defined in claim 27. Balasubramaniam also teaches: "wherein the at least one data type provides an index to content of the corresponding search result" at Col. 4 lines 5-16.

As per claim 30, Lumsden and Balasubramaniam teach the method as defined in claim 27. Lumsden also teaches:

Art Unit: 2167

- “displaying the distilled version on the display device” at Col. 6 line 67 to Col. 7 line 22; and
- “wherein selection by a user of a predefined data type within the displayed distilled version causes a substantially real time entry into the content of the corresponding search result” at Col. 7 lines 12-22.

As per claim 31, Lumsden and Balasubramaniam teach the method as defined in claim 30. Lumsden also teaches: “displaying a predefined portion of the content of the search result, wherein the predefined portion is adjacent to the data type selected by the user within the distilled version” at Col. 7 lines 12-22.

As per claim 32, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: “displaying the distilled version on the display device” at Col. 7 lines 1-22.

As per claim 33, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: “at least some of the search results are comprised of textual documents” at Col. 6 lines 5-25.

As per claim 34, Lumsden teaches a method for searching, comprising:

- “receiving search criteria; searching at least one body of knowledge based on the search criteria; providing a plurality of search results that are responsive to the searching” at Col. 5 line 60 to Col. 6 line 25;
- “distilling a selected one of the search results into a result object, the result object including content extracted from the selected search result in accordance with a plurality of data type preferences selected from a

Art Unit: 2167

plurality of predefined data type preference types" at Col. 5 lines 60-65 and Col. 6 lines 48-67;

- "creating a menu corresponding to the result object, the menu including a plurality of menu options, wherein each menu option defines a result category that is descriptive of a predefined portion of the content of the result object" at Col. 6 line 67 to Col. 7 line 22; and
- "graphically displaying the menu on a display device, wherein a user may optionally select any one of the menu options" at Col. 6 line 67 to Col. 7 line 22.

Lumsden does not explicitly teach: "a result object that is created as a data entity having predefined format and that is distinct from the search result". However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract version is a result object that is created as a data entity having predefined format and that is distinct from the corresponding search result" at Col. 4 lines 35-43. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings to create an abstract of the document before return to the user because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 35, Lumsden and Balasubramaniam teach the method as defined in claim 34. Lumsden also teaches: "wherein at least one result category comprises one of the selected data type preference types used to distil the search result" at Col. 6 lines 48-67.

As per claim 36, Lumsden and Balasubramaniam teach the method as defined in claim 34. Lumsden also teaches: "wherein selection of a menu option causes a corresponding content portion of the result object to be displayed on the display device" at Col. 7 lines 12-22.

As per claim 37, Lumsden and Balasubramaniam teach the method as defined in claim 34. Lumsden also teaches: "wherein selection of a menu option causes a corresponding content portion of the selected search result to be displayed on the display device" at Col. 7 lines 12-22.

As per claim 38, Lumsden and Balasubramaniam teach the method as defined in claim 34. Balasubramaniam also teaches: "a plurality of content metrics that are associated with a corresponding menu option, wherein each content metric is representative of a value for the result category of the menu option" at Col. 4 lines 5-35.

As per claim 39, Lumsden and Balasubramaniam teach the method as defined in claim 38. Balasubramaniam also teaches: "wherein the value represented by the content metric is a quantitative measure of the corresponding result category" at Col. 4 lines 5-35.

As per claim 40, Lumsden and Balasubramaniam teach the method as defined in claim 39. Balasubramaniam also teaches: "wherein the quantitative

Art Unit: 2167

measure comprises a number of results for the corresponding result category" at Col. 4 lines 5-35.

As per claim 41, Lumsden and Balasubramaniam teach the method as defined in claim 39. Balasubramaniam also teaches: "wherein the quantitative measure comprises a number of occurrences of a data type specified by the corresponding result category" at Col. 4 lines 5-35.

As per claim 42, Lumsden and Balasubramaniam teach the method as defined in claim 38. Balasubramaniam also teaches: "wherein the value represented by the content metric is a qualitative measure of the corresponding result category" at Col. 4 lines 5-35.

As per claim 43, Lumsden and Balasubramaniam teach the method as defined in claim 42. Balasubramaniam also teaches: "wherein the qualitative measure is indicative of the degree of relevance of the corresponding result category to the search criteria" at Col. 4 lines 5-35.

Response to Arguments

6. Applicant's arguments filed September 7, 2004 with respect to claims 1-2, 6, and 10-43 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments with respect to claims 44-46 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Regarding claims 44-46, applicants argued that Rubinstein does not teach the step of: "selecting one of the text content document search result; and at substantially the time of selection, distilling the selected document". On the contrary, Rubinstein teaches this step at Col. 8 lines 5-8 recited below:

"the user may **select the document** from which the **abstract is generated** by clicking on any one of the document 221 listed in file list pane 220" (Col. 8 lines 5-8).

Rubinstein also teaches at Fig. 1, element 140 (See below) the step of: "Linguistically analyze the identify document to **generate an abstract** paragraph thereof".

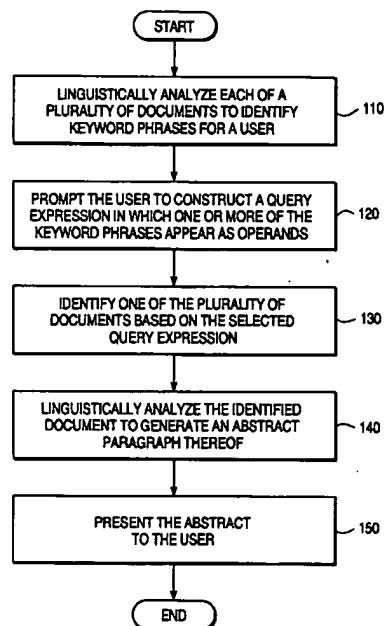


Figure 1

Applicant argued at page 17 that Rubinstein's "linguistically analyzing" step does not occur in substantially "real time", at the time of selection of a

Art Unit: 2167

search result” because there is “no time relationship whatsoever as between the searching step and the linguistically analyzing step”. The examiner respectfully submits that an ordinary skill in the art would recognize the time relationship between the steps of Fig. 1, for example, the “linguistically analyze the identified document to generate an abstract” step 140 must occur before the step of “present the abstract to user” 150 and after the searching step 130. It is clear from Rubinstein’s Fig. 1 the abstract is generated at step 140, after the step of receiving user query 120 and searching and returning search result 130.

Applicant cited several portion of Rubinstein which state that the abstract is previously generated, however, these are just different embodiments and does not necessary mean that Rubinstein only teaches that embodiment.

In view of the above arguments, the 102 rejection is hereby sustained.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

Art Unit: 2167

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham
Examiner
Art Unit 2167

December 9, 2004
KBP


Primary Examiner

